IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc. No.27627-M of 2005

Date of Decision: 30.1.2007.

Maninder Kaur and another

....Petitioners.

Versus

State of Punjab and another.

...Respondents.

CORAM : Hon'ble Mr. Justice Surya Kant.

Present:- Mr.Anupam Bhardwaj,Advocate
for the petitioners.

Mr.B.S.Baath, AAG Punjab.

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SURYA KANT, J.(ORAL)

Reply by way of affidavit of Harpreet Singh, PPS, Dy.Superintendent of Police Civil Lines Amritsar, has been filed on behalf of respondent No.1, which is taken on record.

Petitioners No.1 & 2, who assert that they were born on 16.3.1983 and 1.3.1974 respectively and are major and have married to each other on 22.4.2005, are seeking quashing of FIR No.95 dated 29.4.2005 registered at Police Station Civil Lines, Amritsar, under Sections 363,366,452,323,506 of the Indian Penal Code.

The aforesaid FIR was got registered by respondent No.2 who is the mother of petitioner No.1 by, inter-alia, alleging that her daughter had been kidnapped by petitioner No.2.

In the written statement filed on behalf of respondent No.1 it is

averred that the parties have now arrived at an understanding and have removed their grievances. The factum of marriage of petitioner No.1 with petitioner No.2 has been accepted, recognized and reconciled by respondent No.2-the complainant and her son i.e. respondent No.3. The Investigating Officer has also recorded their statements to this effect and the same are appended with the reply.

It is pointed out by learned counsel for the petitioners that respondents No.2 and 3 are present in the Court and they have no objection either to the marriage performed by the petitioners or to the relief sought in this petition.

Otherwise also, there appears to be no dispute that the petitioners are major and have performed their marriage as per their own wishes. Thus, no prima-facie case of committing an offence under sections 363,366 of Indian Penal Code etc is made out against petitioner No.2.

That apart in view of the appreciable stand taken by respondents No.2 & 3, continuation of the criminal proceedings as a result of the impugned FIR, would be nothing but an exercise in futility and a clear abuse of the process of law.

Consequently, this petition is allowed. The impugned FIR No.95 dated 29.4.2005 under Sections 363,366,452,323,506 IPC registered at Police Station Civil Lines, Amritsar,as well as all the subsequent proceedings arising therefrom are hereby quashed.

(SURYA KANT)
JUDGE

January 30 ,2007.
Reema